

REMARKS

Reconsideration and allowance in view of the foregoing amendments and following remarks are respectfully requested.

The Applicants thank the Examiner for granting the interview held on September 17, 2001. During the course of the interview, the applied references, plus several additional references of record were discussed. The Examiner indicated that an amendment to the claims indicating that the toolbox has an upwardly facing opening and a lid covering the same when the toolbox is in the upright position would define over the prior art of record. The claims have been amended to set forth this distinction.

It is thus submitted that the present application is now in condition for allowance.

In the Official Action of September 4, 2001, the Examiner requested confirmation of the election of Group II. The Applicants hereby affirm this election with traverse, as it is submitted that independent claims 41, 67, and 96 are generic to both Groups. Thus, re-entry of claims 48-56, 59-64, 69-71, 73-85, 93, and 98-113 is respectfully requested upon allowance of such generic claims. Dependent claims 116-127 have been added.

In the Official Action, the disclosure was objected to for failing to refer to the parent applications. The specification has been amended to overcome this informality.

The specification was also objected to as failing to provide proper antecedent basis for the claimed subject matter. The specification has been amended to overcome this further informality.

Claims 41, 67, 88 and 96 were objected to for various informalities which have been attended to by the present Amendment. It is respectfully requested, therefore, that these objections be withdrawn.

Claims 41-47, 57-58, 65-68, 72, 86-87, 94-97 and 114-115 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The claims have been amended to obviate this rejection.

Specifically, claims 41, 67 and 96 have been amended to recite specifically that the wheels are mounted to the apparatus and that the wheels are mounted toward the bottom of the apparatus. In addition, claims 42 and 43 have been

amended to address the language objected to by the Examiner. In addition, the antecedent basis issue with respect to claims 65, 86, 94 and 114 have been attended to by this amendment.

Claims 41-47, 57-58, 65-66, 96 and 114-115 were rejected under 35 U.S.C. § 102(b) as being anticipated by Spranger et al. The claims have been amended to obviate this rejection.

Specifically, the claims have been amended in accordance with the discussions during the interview to recite that the at least one removable container or toolbox has a container portion with a generally upwardly facing opening when the apparatus is disposed in its substantially upright position and the toolbox or at least one removable container is mounted above the base container. The claims have also been amended to recite that the lid is pivotable, when the at least one movable container is disposed above the base container and the apparatus in the upright position, between i) a closed position wherein the lid is in covering relation with the upwardly facing opening of the container portion, and ii) an open position. The amendment highlights the fact that the present invention includes at least one container having characteristics of a toolbox, which toolbox is mounted above the base container and that can be released from the base container so as to be able to be used as a stand-alone toolbox. The claim language has been amended to highlight this distinction over, for example, the upper case 10 in Spranger, which is actually a display case (not toolbox). Spranger is directed to non-analogous art and in any event does not disclose or suggest the claimed structure. In the interview it was agreed that the amended claim language as set forth in the language added to the end of each independent claim clearly distinguishes over Spranger. It is respectfully requested, therefore, that the rejection of independent claims 41, 67, 88, and 96 be withdrawn.

Particular attention is also drawn to claim 88, which specifically recites ground-engaging wheels mounted directly to the base container. In contrast, Spranger discloses wheels that are mounted below the base container. Moreover, claim 88 has now further been amended to recite that the base container has four generally vertical walls defining an upwardly facing opening when the apparatus is disposed in the substantially upright position, and that the latch assembly secures the toolbox above such upwardly facing opening of the base container. Clearly, Spranger does not teach or suggest such a configuration.

Rejected claims dependent upon claims 41, 67, 88, and 96 are allowable for their dependence upon the associated base claims, and also for their individual recitations of additional aspects of the present invention.

Claims 41-43 and 65 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mayer. The claims have been amended to obviate this rejection.

Specifically, the claims have been amended to recite more clearly that the at least one removable container includes a container portion with an upwardly facing opening when the apparatus is in the upright position as discussed more fully above. Mayer is simply directed to vertically stacked suitcases and is devoid of the limitations set forth in claim 41. It is submitted, therefore, that independent claim 41 clearly defines over Mayer. The dependent claims 42, 43 and 65 are also allowable in view of their dependence upon base claim 41 and also their individual recitations of additional aspects of the present invention.

Claims 41-45, 57-58, 65-66, 96 and 114-115 were rejected under 35 U.S.C. § 102(e) as being anticipated by Chi. The claims have been amended to obviate this rejection.

Specifically, the claims have been amended to recite the characteristic toolbox configuration, with the upwardly facing opening when the apparatus is in the upright position as discussed above. Chi clearly does not teach or remotely suggest such a configuration. Rather, Chi is merely directed to a luggage case, and has no removable toolbox as claimed. It is respectfully submitted, therefore, that the rejection with respect to Chi be withdrawn.

Claims 67-68, 72, 86-87 and 97 were rejected under 35 U.S.C. § 103(a) as being obvious over Spranger et al. This rejection has been overcome by virtue of the amendments and arguments set forth herein. In addition, claim 67 has been amended to change the language regarding "a plurality of latches" and now recites "a latch arrangement." The specificity with respect to the pair of latches is now properly contained in claim 68.

Claims 41-47, 57-58, 65-68, 72, 86-88, 90-92, 94-97 and 114-115 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,176,559 in view of Spranger et al. Enclosed herewith is a terminal disclaimer that overcomes this rejection. It is respectfully requested, therefore, that this rejection be withdrawn.

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The Examiner has kindly indicated that claim 89 would be allowable if rewritten in independent form. Claim 89 has been so-written, except that the limitation in former claim 89 with respect to the pulling handle being movable between storage and deployed positions has been deleted, as is also the case with present independent claim 88. It is submitted that this limitation is not required for the allowability of these claims. It is respectfully submitted, that claim 89 is in condition for allowance.

Attached herewith is a Drawing Change Authorization Request. The Request inserts several reference numerals referred to in the specification. In addition, Figure 32 has been added. This Figure is merely an illustration of what is specifically disclosed on page 23 of the original specification. Specifically, lines 9-18 on page 23 make clear that the assembly 200 includes a base cabinet 202 and at least one additional cabinet 206 which is removably connectable on top of the base cabinet. Lines 17-18 of page 23 specifically state that the additional cabinet 206 (sic) is a clamshell style case 212 and/or a carousel organizer 214. Newly added Figure 32 merely illustrates the disclosed embodiment wherein the additional cabinet is only the clamshell style case 212.

The specification has been amended to further describe what is clearly depicted in the drawings, as would be discerned by one skilled in the art. For example, it now points out the frictional fit of the toolbox on top of the organizer 214 and also provides proper antecedent basis in the specification for the added claim language at the end of each independent claim. The specification has also been amended to point out the tool trays 238 and the four vertical walls of the base cabinet illustrated in Figures 27-29 and 30-32. The specification has also been amended to point out more clearly the allowable subject matter of allowed claim 89. No new matter has been added.

The objections and rejections having been addressed, it is respectfully submitted, therefore, that the present application is now in condition for allowance, and a Notice to that effect is earnestly solicited.

Should any issues remain outstanding with this application, the Applicants respectfully request that the Examiner contact the undersigned at the telephone number listed below to resolve the same.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached Appendix is captioned **"Version with markings to show changes made"**.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: 

Jack S. Barufka

Reg. No.: 37087

Tel. No.: (703) 905-2012

Fax No.: (703) 905-2500

JSB/lmr
1600 Tysons Boulevard
McLean, VA 22102
(703) 905-2000
Enclosure: Appendix